

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

<b>IN RE:</b>	<b>Lynette Caprice Shadding,</b>	<b>: Chapter 13</b>
	<b>Debtor</b>	<b>: Case No. 22-12536-amc</b>
		<b>:</b>
	<b>Delaware County Tax Claim Bureau</b>	<b>:</b>
	<b>Movant</b>	<b>:</b>
	<b>vs.</b>	<b>:</b>
	<b>Lynette Caprice Shadding,</b>	<b>:</b>
	<b>Respondent</b>	<b>:</b>
	<b>and</b>	<b>:</b>
	<b>Kenneth E. West,</b>	<b>:</b>
	<b>Trustee</b>	<b>:</b>

**MOTION OF THE DELAWARE COUNTY TAX CLAIM BUREAU  
FOR RELIEF FROM THE AUTOMATIC STAY  
UNDER 11 U.S.C. § 362 OF THE UNITED STATES BANKRUPTCY CODE  
PURSUANT TO BANKRUPTCY PROCEDURE RULE 4001**

Movant, the Delaware County Tax Claim Bureau, by and through its counsel, Toscani, Stathes & Zoeller, LLC, hereby requests the termination of the Automatic Stay and leave to sell certain property owned by Debtor Lynette Caprice Shadding and respectfully avers as follows:

1. Movant, the Tax Claim Bureau of Delaware County is a County Agency responsible for collecting past due real estate taxes in Delaware County, Pennsylvania.
2. Debtor, Lynette Caprice Shadding (“Debtor”) is the owner of 702 Cedar Avenue, Lansdowne, Delaware County, Pennsylvania bearing folio number 48-00-00745-00 (“subject premises”).
3. Debtor filed for relief under Chapter 13 of the United States Bankruptcy Code on September 21, 2022.
4. Prior to filing the Petition, Debtor was delinquent with the real estate taxes on the subject premises for the tax years 2018-2022 in the amount of \$27,276.96 plus interest. A true and

correct copy of Amended Proof of Claim No. 1 is attached hereto and made a part hereof as Exhibit “A”.

5. After filing the Petition, Debtor became delinquent with the 2023 real estate taxes due on the subject premises in the amount of \$5,434.44, plus interest, as of March 2024. A true and correct copy of the delinquent 2023 real estate taxes due at the Delaware County Tax Claim Bureau is attached hereto, made a part hereof and marked as Exhibit “B”.
6. That Pennsylvania allows a tax claim bureau of a Second-Class County to add nine percent (9%) interest on all delinquent real estate taxes turned over to the tax claim bureau for collection. The application of the interest charge is authorized by Section 306 of the Real Estate Tax Sale Law, Act 542 of 1947 as amended. Codified at 72 P.S. §5860.101, *et seq.*
7. That interest at the rate of nine percent (9%) will continue to accrue on the delinquent real estate tax balance until the taxes, fees and costs are paid in full.
8. Under Section 362(d)(1) of the Code, the Court shall grant relief from the automatic stay for “cause” which includes a lack of adequate protection of an interest in real estate.
9. Sufficient “cause” for relief from the stay under Section 362(d)(1) is established where a debtor has failed to make installment payments or payments due under a court-approved plan, on a secured debt, or where the Debtor(s) have no assets or equity in the property.
10. As set forth herein, Debtor defaulted on the secured obligation to pay real estate taxes which is established by the real estate taxes being turned over to Movant for collection. See Exhibit “B”.
11. As a result, cause exists pursuant to 11 U.S.C. § 362(d) of the Code for this Honorable Court to grant relief from the automatic stay pursuant to 11 U.S.C. §1301, to allow the

Delaware County Tax Claim Bureau to pursue its state court remedies, including listing the subject premises for a delinquent real estate tax sale.

12. The Delaware County Tax Claim Bureau is not adequately protected because the Debtor made no provision for the payment of the ongoing real estate taxes on the subject premises after the filing of the Petition. See Exhibit "B".

13. The Movant requests relief from Rule 4001 (a)(3) to sell the subject real estate in the next delinquent real estate tax sale.

**WHEREFORE**, the Delaware County Tax Claim Bureau respectfully requests this Honorable Court to enter an Order modifying the Automatic Stay with regard to the Delaware County Tax Claim Bureau and 702 Cedar Avenue, Lansdowne, Delaware County, Pennsylvania bearing folio number 48-00-00745-00 to allow the Delaware County Tax Claim Bureau to sell said real property at the next available County Tax Sale and that Rule 4001 (a)(3) is not applicable to the Delaware County Tax Claim Bureau.

Respectfully submitted:

**TOSCANI, STATHES & ZOELLER, LLC**

**Dated: March 28, 2024**

**BY:** /s/ Stephen V. Bottiglieri  
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